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Rainbow Investigator Denies That Police Listened To Beard's Phone Calls

By Tina Alvey

On the stand Friday, the lead investigator in the Rainbow Murder case hotly denied defense counsel's suggestion that police had secretly listened in on Jacob Beard's telephone conversations in February of 1993.

Beard, 49, was convicted in June of 1993 of the 1980 double homicide known as the Rainbow Murders. Now serving a life sentence without the possibility of parole, Beard appealed the jury's verdict, but the Supreme Court did not overturn the conviction.

The high court did, however, order a hearing on the single issue of whether investigators violated the terms of an immunity agreement Beard signed in 1983 with then-Pocahontas County Prosecutor Steve Hunter. This is referred to as a Kastigar hearing, and the state must prove that all of the evidence used to indict and convict Beard of the brutal crimes was obtained without using any information he may have provided.

Former State Police Sgt. Robert Alkire spent a second day on the stand in the Kastigar hearing on Friday, answering a line of questioning never pursued during Beard's three-week trial.

Defense attorney Stephen Farmer asked Alkire about several alleged instances of the police listening to telephone conversations Beard held while living in Florida.

Beard lived in Crescent City, FL, at the time of his arrest in 1993 for the murders.

At issue were telephone calls Farmer said Beard made to a woman in Winfield, WV; to a Margie Fike, who was not further identified; and to his then-attorney, Bob Allen. All of the calls were made in February of 1993, Farmer said.

Referring to two names which had been written in notes turned over to the defense by police, Farmer asked Alkire, "Did you monitor a telephone conversation between Mr. Beard and his attorney, Bob Allen, on February 13, 1993, in which they discussed these people?"

Alkire, who had earlier in the day testified he did not listen in on Beard's phone calls, responded hotly, "Once again, I have never had the capability of monitoring a telephone conversation."

Farmer suggested that Alkire, the lead investigator in the Rainbow case, obtained those names and certain other information from listening to the telephone conversations. The attorney informed the court that the Alltel Telephone Company, which operates the phone system in Pocahontas County, also operates the Crescent City, FL, phone system.

Farmer also questioned Alkire about a telephone call Beard made to Alkire in February of 1993.

While Alkire referred to a report showing the date of February 20 for that call, Farmer produced a copy of Beard's phone bill for that time, showing a 135-minute call to Alkire's number on February 13.

"I could have looked at the wrong date on the calendar," Alkire offered by way of explanation. "I might have looked at the wrong Saturday."

Special Prosecutor Richard Lorensen objected to the line of questioning, saying it involved potential witnesses who were not, in fact, called to testify at Beard's trial.

Circuit Judge Charles Lobban agreed with Lorensen, and when Farmer continued to press the point, the judge said, "Enough argument. I don't see the relevancy at this point."

Lorensen returned to the issue after the lunch break, asking Alkire on re-direct if he were now convinced Beard had actually called him on February 20 and at no other time.

Alkire responded, "He undoubtedly called me from another phone (prior to February 13) because I missed a call from him at least once. He could've called me from another phone again."

Farmer later presented Beard's phone bill again, pointing out that the bill did reflect several calls to both Alkire's number and the phone at the Marlinton State Police detachment. Most of those calls lasted two minutes

or less.

At the conclusion of Alkire's testimony, Lorensen said he was still undecided about whether to call former Pocahontas County Sheriff Jerry Dale to the stand.

Dale is out of the state on vacation and was unavailable as a witness all week.

Lorensen said he needs to speak with Dale before deciding on his status as a witness for the state.

In response, Farmer said, "We do not desire to present any evidence unless and until the state has completed presenting its evidence."

The first available court date for which all principals could be present is April 24.

Farmer objected to Lorensen's announced intention to talk with Alkire after speaking with Dale. Alkire is still under potential recall as a witness for either side.

Lobban expressed some exasperation, asking Farmer, "When does it say you can't talk to your own witness? You can certainly talk with Mr. Beard. What's fair is fair."

When the hearing resumes on April 24 at 9:30 a.m., additional witnesses, including Pocahontas County Prosecutor Walt Weiford, Beard and possibly Dale, will testify, and the attorneys will deliver their final arguments on the Kastigar issue.

Meetings This Week

By Tina Alvey

The following government bodies plan to hold meetings in the local area this week. All of the meetings are open to the public. Interested citizens are encouraged to attend.

The Greenbrier County Airport Authority will meet in regular session this evening at 7:00 in the airport holding room. The airport's recent coup in obtaining jet service for the summer to and from New York City will be discussed, as will the transfer of the lease for the airport's gift shop, the initiation of a briefing system for pilots and a report on the results of an FAA annual inspection.

The Lewisburg Planning Commission will hold a public hearing at City Hall this evening beginning at 7:30. The issue on the agenda is a request for a conditional use permit by First National Bank for its new drive-through bank on U.S. Route 219 north.

The Ronceverte Board of Commissioners will hold a special meeting on Tuesday at 7 p.m. at the firehouse to lay the levy for the upcoming fiscal year.

The Lewisburg City Council will meet Tuesday at 7:30 p.m. at City Hall in regular session. Among the items on the agenda is a report on the search for a new location for City Hall. Also, City Administrator Morse Reese will report on the status of the new rate structure for municipal trash pick up and on the opening of the Little League season. Council will also lay the levy for the upcoming fiscal year and vote on the proposed general fund and coal severance budgets.

The Greenbrier County Board of Education will meet in regular session on Tuesday at 7:30 p.m. at the board office on Chestnut Street in Lewisburg. The board will vote on two policies which have been on a 30-day comment period, appoint an Education First advisory panel, take a first look at the 1996-97 school calendar and issue the 1996-97 levy order, among other business.

The West Virginia Legal Services Program's board will meet in Lewisburg at the Brier Inn on Friday beginning at 1 p.m.

Hollandsworth Wins Easter Basket Raffle

Chris Hollandsworth of Ronceverte won the Easter basket raffled by the Greenbrier East Music Boosters The basket was worth \$250.

purchased tickets.

Those who donated were: Appalachian Tire, The Flower House, Family Hair Fashions, The Greenbrier Hotel, Kapris

GVT Season Boasts Wide Spectrum Of Americana

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Jeff Brown, board chairman, will be

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Farmer also questioned Alkire about a telephone call Beard made to Alkire in February of 1993.

While Alkire was denying the call, showing the date of the call, Farmer said Beard's phone bill for the call was a 135-minute call on February 13, 1993.

"I could have sworn I never had the date on the call," Alkire said by way of explanation. "I looked at the wall calendar."

Special Agent Lorenson objected to Alkire's testimony, saying it was hearsay. Witnesses who were present at the time of the call to testify at Beard's trial.

Circuit Judge John J. Agnew agreed with Lorenson. Farmer continued his questioning. The judge said, "I don't see the relevance of this."

Lorenson moved for a mistrial after the lunch break. He asked the judge to re-direct if he could. Beard had actually been arrested on February 20 and at that time.

Alkire responded that he had not called me (prior to February 13, 1993) and missed a call from me. He could've called me on the phone again."

Farmer later asked Alkire about the phone bill again. The bill did reflect a call to Alkire's number in Marlinton State. Most of those calls were made to Alkire's home.

Investigator Denies That He Called Beard's Phone Calls

in Crescent City, FL, arrest in 1993 for the telephone calls made to a woman; to a Margie Fike, who identified; and to Bob Allen. All of the calls were made in February of 1993.

Two names which were on notes turned over to the police, Farmer asked the witness to monitor a telephone conversation between Mr. Beard and Bob Allen, on February 13, when they discussed the case. Earlier in the day, Farmer was in on Beard's testimony. "Once I had the capability to monitor a telephone conversation, I knew that Alkire, the attorney in the Rainbow case, and certain other attorneys were coming to the trial. The attorney in the Allard Tele-thon, who sponsors the Allard County, Crescent City, FL, was also present. I questioned Alkire about all the calls made to him in 1993.

While Alkire referred to a report showing the date of February 20 for that call, Farmer produced a copy of Beard's phone bill for that time, showing a 135-minute call to Alkire's number on February 13.

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